



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

1

PAUL R. LEPAGE  
GOVERNOR

Robert A. Foley, Chair

Cynthia S. Bertocci  
Executive Analyst

**BOARD OF ENVIRONMENTAL PROTECTION  
Meeting Minutes**

December 06, 2012

A meeting of the Board of Environmental Protection was held on Thursday, December 06, 2012 at the Civic Center, located at 76 Community Drive in Augusta, Maine. Robert Foley, Chair, called the meeting to order at 9:00 am with the following individuals:

**Board:**      Present: Alvin Ahlers, Elizabeth Ehrenfeld, Robert Foley, M. Wing Goodale, Richard Gould, and Susan Lessard  
Absent: Board member Thomas Eastler was absent.

**Staff:**      Richard Kaselis, Bureau of Remediation and Waste Management  
Heather Parent, DEP Policy Director  
George MacDonald, DEP Sustainability Director  
Kerri Malinowski, DEP Sustainability Division  
Dr. Andrew Smith, State Toxicologist, Dept of Health and Human Services

**Others:**      Patricia Aho, DEP Commissioner  
Cynthia S. Bertocci, BEP Executive Analyst  
Mary Sauer, Assistant Attorney General  
Ruth Ann Burke, Board Clerk and Administrative Assistant

*Draft Pending Board Approval*

**I. Departmental**

- A. Commissioner's Comments:** The Commissioner provided the following highlights for 2012:
- Non-point Source Training Program: The Commissioner noted that staff member Bill Laflamme has done an outstanding job providing training and certification for 1500 earth moving contractors, 1900 forestry professionals, and 1945 individuals in erosion control measures.
  - Underground Storage Tank Training Program (Tank Smart): The program has certified 1900 operators.
  - Household Sharps Disposal: Department staff has worked in partnership with pharmacies, doctor's offices and other health care providers to educate the public about best practices for disposing of used sharps including the creation of a brochure that is available at many health care offices and facilities. The program has distributed over 3000 needle clip devices for use by households to facilitate safe disposal of sharps.
  - Unused Prescription Drug Take-Back Program: The Department worked with the law enforcement community on 2 collection days at which 17 tons of unused prescription medications were collected. This past year Maine was first in the nation on a per capita basis in the collection and proper disposal of unused medications. This program helps to keep these wastes from being flushed and thereby entering our waterways.
  - Oil Sands Response Training: The DEP held a training session in partnership with the US EPA and the University of New Hampshire on oil sands response techniques.
  - DEP Information Brochure: The Department has produced a brochure that provides general information on the Department's programs and the location of Department offices.
- B. Comments from the BEP Chair:** The Chair welcomed Ruth Ann Burke, the new Board Clerk and Administrative Assistant. Chairman Foley also indicated that he has been consulting with staff on a schedule for the Board's consideration of the evidence presented in the BPA rulemaking.
- C. Executive Analyst Comments:** None
- D. Board Calendar:** Reviewed.
- E. Departmental Orders/ applications accepted for processing:** Reviewed.
- F. Executive Session:** None

**II. Consent Agenda Items:**

1. BEP Meeting Minutes: November 15, 2012 (approval)  
The Board voted (6-0-0-1) on a motion to approve consent agenda item 1 as presented. The vote was taken pursuant to 38 M.R.S.A. § 341-D.

*Board members Alvin Ahlers, Elizabeth Ehrenfeld, Robert Foley, M. Wing Goodale, Richard Gould and Susan M. Lessard voted to support the motion. Board member Thomas Eastler was absent.*

2. Central Maine Power Company's North Augusta Service Center Commercial Hazardous Waste Storage Facility License / Corrected License (approval)  
Staff: Richard Kaselis, Bureau of Remediation and Waste Management

The Board voted (6-0-0-1) on a motion to approve the corrected license as presented. The vote was taken pursuant to 38 M.R.S.A. §§ 1301 through 1319-Y and the Maine Hazardous Waste Management Rules, 06-096 CMR 850 through 857.

*Board members Alvin Ahlers, Elizabeth Ehrenfeld, Robert Foley, M. Wing Goodale, Richard Gould and Susan M. Lessard voted to support the motion. Board member Thomas Eastler was absent.*

### III. Regular Agenda Items:

1. Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters / Proposed Amendments  
Staff: Cynthia Bertocci, Board Executive Analyst

The Board voted (6-0-0-1) on a motion to post the proposed amendments for a public hearing on January 3, 2013, with a comment deadline of January 22, 2013. The proposed amendments to Chapter 2 incorporate the changes to the Board's responsibilities and duties enacted by the Legislature in P.L. 2011, c. 304 (LD 1) "An Act to Ensure Regulatory Fairness and Reform." The proposed amendments also clarify other provisions of existing rule.

The vote was taken pursuant to 38 M.R.S.A. § 341-H.

*Board members Alvin Ahlers, Elizabeth Ehrenfeld, Robert Foley, M. Wing Goodale, Richard Gould, and Susan Lessard voted to support the motion. Board member Thomas Eastler was absent.*

2. Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products / Citizen Petition for Rulemaking to Require Safer Alternatives to Bisphenol A in Food and Beverage Packaging for Young Children / Deliberative Session  
Staff: Heather Parent, DEP Policy Director  
George MacDonald, DEP Sustainability Director  
Kerri Malinowski, DEP Sustainability Division  
Dr. Andrew Smith, State Toxicologist, Dept of Health and Human Services

Heather Parent provided an overview of the regulatory framework governing the Board and Commissioner's consideration of the issues raised in the current rulemaking proceeding. Following discussion of the regulatory framework, the Board and the Commissioner had an opportunity to identify issues for discussion at the deliberative session scheduled for the Board's meeting of December 20, 2012. No vote was taken.

3. Board Report to the Legislature / Discussion  
Staff: Cynthia Bertocci, Board Executive Analyst

The Board is required to report to the joint standing committee of the Legislature having jurisdiction over natural resource matters during the first regular session of each Legislature pursuant to 38 M.R.S.A. § 341-D(7). Staff distributed a draft report in fulfillment of this requirement for the Board's review and comment. A revised report will be considered by the Board at its meeting on December 20, 2012. No vote was taken.

***(The meeting adjourned at approximately 11:00 a.m.)***

---

*Next Regular Meeting – Thursday, December 20, 2012 – Civic Center,  
76 Community Drive, Augusta*

*Draft Pending Board Approval*